

INQUIRY INTO THE RETIREMENT OF THE FORMER COMMISSIONER OF POLICE

WITNESS STATEMENT OF JAMES LEVY CBE KC

1. I am Haim Judah Michael Levy CBE KC. I am the Senior Partner of Hassans International Law Firm ("Hassans"). I have been a lawyer for over 50 years and began working in this firm in 1972 with its founder, my uncle, Sir Joshua Hassan QC. I was appointed Queen's Counsel in 2002. In 2013 I was made Commander of the Most Excellent Order of the British Empire for services to the Community of Gibraltar and work in helping to grow and develop the economy of Gibraltar. In 2015 Parliament awarded me the Gibraltar Medallion of Honour for services to the economy of Gibraltar. I have been, for at least 16 years, and continue to be, the chairman of Gibraltar Community Care, Gibraltar's largest charity, and the longest serving president of the Managing Board of the Jewish Community of Gibraltar since the 18th century.
2. I make this statement following a request from Attias and Levy, solicitors for the Inquiry into the Retirement of the Former Commissioner of Police, Mr Ian McGrail, set out in a letter dated 2 August 2022 ("the Request Letter"). This statement addresses the issues identified in the Request Letter insofar as I am able to recall any relevant events.
3. The Request Letter specifically asks me to provide an account of my interactions with named individuals and bodies regarding matters relevant to the Inquiry's Terms of Reference.
4. The Terms of Reference are defined in the Request Letter as:
"the reasons and circumstances leading to Mr Ian McGrail ceasing to be Commissioner of Police in June 2020 by taking early retirement"
5. The Request Letter describes the following matters as relevant to the Terms of Reference ("the Matters"):

- a. *"The Royal Gibraltar Police ('RGP') investigation into the suspected hacking/sabotaging of the National Security Centralised Intelligence System ('NCSIS'); and/or [sic]*
 - b. *The RGP's investigation into [me] as part of the investigation referred to in [a] above, including the RGP's execution of search warrants at [my] home and office on 12 May 2020, and any subsequent discussions, correspondence, submissions, evidence or complaints about the same."*
6. I begin this statement by confirming that, to the best of my recollection, I have not had any interactions with the following individuals listed in the Request Letter regarding the Inquiry's Terms of Reference:
 - a. Mr Christian Rocca KC, Director of Public Prosecutions;
 - b. Lt Gen Ed Davis CB CBE, former Governor of Gibraltar;
 - c. Mr Albert Mena, Former Financial and Development Secretary;
 - d. Mr Neil Costa, former Minister for Justice;
 - e. Dr Joseph Garcia, Deputy Chief Minister;
 - f. Mr Darren Grech, Chief Secretary ;
 - g. Dr Joseph Britto, Chairman of the Gibraltar Police Authority ("GPA"), or any member of the GPA;
 - h. Mr Lloyd Devincenzi, Senior Crown Counsel;
 - i. Mr James Gaggero; and
 - j. Any member of the Foreign, Commonwealth and Development Office (other than Mr Nick Pyle, as mentioned below).

Background

7. My involvement in the Matters came about as a result of my firm's past involvement with 36 North Limited. On 9 June 2020 I provided the RGP a detailed voluntary statement ("the Voluntary Statement"), based on questions and issues that the RGP had put to me, explaining my involvement with 36 North Limited and in the Matters generally. The Voluntary Statement Covers many of the interactions raised in the Request Letter. I do not repeat them here. A copy of the Voluntary Statement is at **Exhibit HJML 1**. I also provided with the Voluntary Statement a emails extracted from the Hassans servers pursuant to the RGP's request. A copy of the Email Extract is at **Exhibit HJML 2**.

8. Following the attendance of the RGP at Hassans and my home on 12 May 2020 I instructed Lewis Baglietto KC and Charles Bonfante, of my firm to represent my interests in the Matters. They wrote on my behalf, and for different purposes, to the Attorney General, the Director of Public Prosecutions, the Commissioner of Police (Ian McGrail at the time), Supt Paul Richardson and the Magistrates' Court. Copies of that correspondence, and documents obtained as a result, can be found at **Exhibit HJML 3**.
9. At the time, Supt Richardson had informed me that the RGP wanted to interview me under caution and he offered to do this by way of a voluntary interview. I was provided with a document setting out pre-interview disclosure(see pages 11 and 12 of Exhibit HJML3). At a later date I was provided with a similar (but amended) document by Mr McGrail (see pages 35 and 36 of Exhibit HJML3) and also with a document setting out the areas that were going to be covered at an interview (see pages 54-57 of Exhibit HJML3).
10. The RGP subsequently confirmed that, rather than conduct an interview under caution, they would accept a written statement from me (see page 60 of Exhibit HJML3). As mentioned above, on 9 June 2020 I provided the RGP the Voluntary Statement covering those areas.
11. At the time I voiced, on a single occasion, my objection to the Attorney General at having been, in my view, very improperly and unfairly treated. It was, and is, my definite view that the manner in which the investigation of the Matters were conducted, as against me, were, for obvious reasons, wholly unjustified and unnecessary and the conclusions reached, by those involved, totally without merit.
12. On 28 October 2020 my legal representatives received an email from Chief Inspector Wyan (as he was then) informing them that I was no longer considered a suspect in the Matters (see pages 112 and 113 of Exhibit HJML3).

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a

false statement in a document verified by a statement of truth without an honest belief in its truth.

Personal Data

HJM Levy

Dated this 31 October 2022